

FILED**UNITED STATES DISTRICT COURT****UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO**

for the

District of New Mexico

MAY 15 2023

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

Body of Keon APACHITO
 (year of birth 2002)

Case No.

23-MR-1010

MITCHELL R. ELFERS
CLERK**APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The body of Keon APACHITO

located in the _____ District of New Mexico , there is now concealed (identify the person or describe the property to be seized):

DNA, which will be extracted by way of buccal swab, and major case prints

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1153	Offenses Committed in Indian Country
18 U.S.C. § 1111(a)	2nd-Degree Murder
18 U.S.C. § 2	Aiding and Abetting

The application is based on these facts:
 See attached affidavit

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Molly Schommer, FBI Special Agent

Printed name and title

In person. Agent sworn before me.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by _____
 (specify reliable electronic means).

Date: 05/15/202305/12/2023City and state: Albuquerque, New Mexico


Steven C. Yarbrough, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

INTRODUCTION AND BACKGROUND

1. I, Molly Schommer, being first duly sworn, make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the body of Keon APACHITO, Year of Birth (“YOB”) 2002, a member of the Navajo Nation, to collect Deoxyribonucleic Acid (“DNA”) samples by way of buccal swabs and major case prints. APACHITO is one of four subjects in this case. I believe one or more of the four subjects’ DNA may be present on an aluminum baseball bat and/or golf club that were located in the bed of one subject’s 1997 Chevrolet CK1500 pickup truck that was parked outside of that subject’s residence. APACHITO is currently in custody at Cibola County Correctional Center (“CCCC”) pending federal charges for violations of 18 U.S.C. §§ 1153, 1111(a), and 2, that being Offenses Committed within Indian Country, 2nd-Degree Murder, and Aiding and Abetting.

2. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since April of 2021. As such, I am a federal law enforcement officer within the meaning of Rule 41 of the Federal Rules of Criminal Procedure. I am currently assigned to the Violent Crime Task Force (“VCTF”) at the Albuquerque Field Office of the FBI. I primarily investigate Indian Country cases, such as homicide and sexual assault. I have also assisted with the investigation of gang-criminal enterprises and Drug Trafficking Organizations (“DTOs”) involved in the unlawful possession of firearms, distribution of controlled substances, racketeering activities, and conspiracies associated with these offenses. I have received on the job training from other experienced agents, detectives, and correctional officers in the investigation of criminal actors and criminal enterprises. My investigative training and experience includes, but is not limited to, the FBI Training Academy at Quantico, Virginia; interviewing subjects, targets, and

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

witnesses; writing affidavits for, and executing search and arrest warrants; collecting evidence; conducting surveillance; and analyzing public records. Additionally, I received advanced training and instruction from the United States Indian Police Academy related to Indian Country offenses. Before becoming an FBI agent, I was a criminal prosecutor for two years. Through my training and experience both as an FBI Special Agent and city and county prosecutor, I am familiar with techniques used by criminal actors, DTOs, gangs, and criminal enterprises.

3. As a result of my training and experience and my knowledge of this investigation, I know that various objects may be used as murder weapons and tools of the trade and instrumentalities of criminal enterprises, particularly in instances involving homicides by blunt force. Additionally, persons who commit homicides with blunt objects tend to have those objects on their person, in their residence, or left at an alternative location after the homicide is committed. I am also aware that when individuals handle various objects, their DNA and fingerprints are often left behind and are detectable by lab technicians.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agencies, agents, and witnesses. Because this affidavit is submitted for the limited purpose of securing a search warrant, I have set forth only those facts I believe are necessary to establish probable cause to support a search warrant to collect APACHITO'S DNA and major case prints.

STATEMENT OF PROBABLE CAUSE

5. In the early morning of May 28, 2022, Navajo Nation Police Department (NNPD) and FBI responded to the residence belonging to S.A., a member of the Navajo Nation, YOB 1980, hereinafter "John Doe". John Doe's residence is located within the exterior boundaries of the Navajo Nation. John Doe was found behind a building near his vehicle. A NNPD officer observed

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

a large amount of blood coming from his head and that his pupils were dilated. John Doe was gurgling and snoring but still breathing. John Doe had a huge bump on his left arm, his fingers were scratched, and his knee was scraped. John Doe was transported by ambulance to the hospital. Numerous interviews were conducted by the FBI and NNPD, as explained further in this affidavit.

6. John Doe died on May 30, 2022, from blunt head trauma, and underwent an autopsy on May 31, 2022. There was a large laceration that exposed John Doe's skull and blunt trauma on the left side of John Doe's head. John Doe had a skull fracture and extensive bleeding around, inside, on top, and throughout his brain.

7. J.P., YOB 1978, hereinafter "Witness 1", stated the night before the incident, there was an altercation at Witness 1's residence, which is on the Tohajiilee Chapter of the Navajo Nation. John Doe was at the residence with Witness 1. One male subject, C.S., YOB 2004, hereinafter "Subject 2," went over to Witness 1's residence and was talking about a bag. Subject 2 wanted to fight Witness 1 and John Doe. Witness 1 told Subject 2 to leave ten times. Subject 2 and John Doe fought on the road. Subject 2 punched Witness 1 and Witness 1 stated he/she called the police.

8. I.S., YOB 1992, hereinafter "Witness 2", stated the night of the incident, May 27, 2022, John Doe picked up Witness 2 and went to the barn at John Doe's residence on the Tohajiilee Chapter of the Navajo Nation, which is within the exterior boundaries of the Navajo Nation. John Doe and Witness 2 pulled up to John Doe's residence just before midnight. John Doe pulled up to his residence, turned off the engine, and took the keys out of the ignition. John Doe's former romantic partner, S.A., YOB 1982, hereinafter "Witness 3", was at the residence when John Doe pulled up. John Doe and Witness 2 remained in the vehicle.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

9. Witness 3 stated that he/she saw three males wearing all black come to the residence and begin asking for bags. These individuals opened the door of the vehicle Witness 2 and John Doe were inside and started fighting. Witness 3 left because he/she was scared.

10. Witness 2 saw four males come onto the residence. One male had a silver golf club and was standing by the barn. A second male was standing kind of close to this male with the golf club as a possible lookout. The two remaining males, one of which was believed to be Subject 2 who Witness 2 described as having big hair, walked up to the vehicle Witness 2 and John Doe were still inside. These two males opened the passenger side door of the vehicle where Witness 2 was seated, spoke over Witness 2, and stated to John Doe, who was in the driver's seat, "We want his bag back." Subject 2 was saying that John Doe stole his backpack. There was no backpack and John Doe stated he did not have their belongings. The two males then closed the passenger door, stood there, and then all four males left the same way they came.

11. Witness 2 stated that the four males then came back to the vehicle, but from behind the barn this time. All four males went to the driver's side of the vehicle, pulled open the door, pulled John Doe out of the vehicle, and started beating up John Doe. John Doe retrieved an aluminum baseball bat. However, the males took the baseball bat and used it to hit John Doe with. All four males were hitting John Doe. Witness 2 saw the males swinging the bat, kicking and punching John Doe, and heard them cussing.

12. Witness 2 hid behind some vehicles that were parked on the residence. Witness 2 heard, "He's down," "He's out," "He's not moving," and, "Let's just go." The four males left on foot.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

13. Witness 2 went to where John Doe was, looked at John Doe, and saw John Doe would not wake up and laid there with no response. Witness 2 called his/her uncle/aunt, told him/her what happened. 911 was called.

14. On May 28, 2022, FBI agents and NNPD officers spoke with L.T., YOB 2003, hereinafter "Subject 3". Subject 3 grew up with Subject 2 and Subject 2's younger brother, C.S., (juvenile), hereinafter "Subject 4". On the evening of May 27, 2022, Subject 3 was with Subject 2. Subject 3 initially stated he met up with Subject 2 at Subject 2's grandmother's house and that Subject 2 was not in Subject 3's truck nor the bed of his truck on the evening of May 27, 2022. However, Subject 3 later stated he picked up Subject 2 at the courts and then dropped him off by the cattle guard. When Subject 3 was informed that John Doe was probably going to die, Subject 3 responded, "We all are."

15. Parked in front of Subject 3's residence was a 1997 Chevrolet CK1500 pickup truck. Subject 3 admitted this was his truck and everything in it belonged to him. Subject 3 provided verbal and written consent for FBI agents and NNPD officers to search his truck. Recovered from the bed of the pickup truck was an aluminum baseball bat and a silver golf club. Present on the baseball bat was a dried substance which, based on my training and experience, I believed to be dried blood. When asked about the discovery of the baseball bat, Subject 3 stated he got the baseball bat from Subject 2 who had it at the courts on the night of May 27, 2022.

16. On June 3, 2022, FBI agents and NNPD officers attempted to speak with Subject 4. After multiple attempts of trying to locate Subject 4, he was eventually found at his grandmother's residence in Tohajiilee, New Mexico. Subject 4's mother described this residence as a safe haven for Subject 2 and Subject 4. Subject 4 believed law enforcement were speaking to him because he heard from his auntie and mother that Subject 2 killed someone. Furthermore,

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Subject 4 stated, "People are saying it was me," and, "That's why I was wondering if you guys were coming to arrest me. That's that's what I thought." Finally, Subject 4 stated, "I don't know why I'm shaking cause I thought you guys were going to arrest me," and, "Cause people are blaming it on me." Subject 4 no longer wanted to answer questions and the interview was ended.

17. On June 3, 2022, FBI agents and NNPD officers spoke with R.S., (minor), hereinafter "Witness 4". Witness 4 heard about the assault that happened to John Doe. Witness 4 knows that Subject 2 and Subject 4 like to fight people. Witness 4 is friends with Subject 2 on Instagram. Witness 4 showed FBI agents and NNPD officers Subject 2's Instagram page, which had an account name of "wastedd2x". Subject 2's most recent Instagram post showed him with a thick amount of hair¹. A few days after the assault of John Doe, Witness 4 and Subject 2 had a conversation on Instagram²:

- a. Witness 4: "Wanna call"
- b. Subject 2: "For What?"
- c. Subject 2: "Lol"
- d. Witness 4: "I just need some humble"
- e. Witness 4: "Atleast a brother or someone"
- f. Subject 2: "I Kant Kall Rn"
- g. Subject2: "Im In Sum BS Rn"
- h. Subject 2 "IDK If You Heard"
- i. Witness 4: "What happened"
- j. Witness 4: "And nah I didn't hear anything."

¹ A photograph of Subject 2's recent Instagram post is attached at the end of this affidavit.

² A photograph of the messages is attached at the end of this affidavit.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

k. Subject 2: "Well I Kant Tell You Rn Buh Im Pretty Sure You'll Hear Bout It"

l. Witness 4: "Oh okay"

m. Witness 4: "Well text me when u can"

n. Subject 2: "Fs"

18. On June 3, 2022, a NNPD officer received a photograph and a screenshot³ from Subject 2's Instagram and Facebook accounts from C.G., YOB 1985, hereinafter "Witness 5". Witness 5 received these images from his/her nephews/nieces, A.S., (minor), hereinafter "Witness 6", and K.A., (minor), hereinafter "Witness 7". There was a screenshot of a story posted by Subject 2 which stated, "I'm just prayin' Cdai beat his case, with murder on my mind (that's a fact)".⁴ There was also a photograph of a post made by Subject 2 to his Facebook account, "KoleStakkin", which stated, "Everything Happens For A Reason. I Just Wanted My Personal Belongings Bakk". On June 21, 2022, Witness 5 sent a screenshot⁵ he/she received from Witness 7. That screenshot was of Subject 2's Instagram story, which stated, "Fuhk Dat Nigga Who Dead N Fuhk Who Ever Dats Riding Wit Him". On June 22, 2022, Witness 5 sent a screenshot⁶ of Subject 2's up to date Instagram page.

19. On June 23, 2022, an FBI agent and NNPD officer spoke with Witness 6. About one year ago, Subject 2 said he would kill John Doe. Witness 6 did not know why. Subject 2 always hurts people and gets in trouble for fighting at school. Witness 6 knows Subject 2 to hang out with Subject 3 and APACHITO. Subject 2 texts Witness 6 via Instagram direct message but Witness 6 does not respond back. The last two times Subject 2 texted Witness 6 were on June 3,

³ The photograph and screenshot are attached at the end of this affidavit.

⁴ These words are lyrics from the song "Game Face" by Booka600, Only the Family, and Tee Grizzley.

⁵ The screenshot is attached at the end of this affidavit.

⁶ The screenshot is attached at the end of this affidavit.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

2022, and June 20, 2022⁷. Witness 6 had no texting contact with Subject 2 prior to the death of his/her uncle, John Doe.

20. On June 3, 2022, Subject 2 texted Witness 6:

- a. Subject 2: “Bruhh Ion Even Fuhk Witxhu Like Dat”
- b. Subject 2: “Stop Viewing My Shii”
- c. Subject 2: “Lil Weirdo”

21. On June 20, 2022, Subject 2 texted Witness 6:

- a. Subject 2: “Bruhh Stop Viewing My Shii”
- b. Subject 2: “Just Kause Yo Unk Dead Asfk Dont Mean You Gotta Stokk My Shi”
- c. Subject 2: “Lame Ass”

22. On June 23, 2022, an FBI agent and NNPD officer spoke with Witness 7. Witness 7’s father was John Doe. Witness 7 does not follow Subject 2 on social media but knows that Subject 2 has both an Instagram and Facebook account as Subject 2’s social media accounts are public. Subject 2 will post on social media and then Subject 2 will delete these posts. Witness 7 will take screenshots of the posts prior to Subject 2 deleting them. Subject 2 has two Instagram accounts and posts on both accounts. One account is “wastedd2x” and the other account is “axtivistkole”. Witness 7 showed the FBI agent and NNPD officer these two Instagram accounts⁸ and what “wastedd2x” looked like previously, which had “All Souls Gonna Die Dont Forget Dat 1 Tho” written in the biography. Witness 7 also took a screenshot⁹ of Subject 2’s Facebook story, which stated, “Kaught A Body I was Just Praying Dat God Forgive Me [emoji] Niggas Really”

⁷ A photograph of these text messages is attached at the end of this affidavit.

⁸ A photograph of Subject 2’s two Instagram accounts and what “wastedd2x” looked like previously are attached at the end of this affidavit.

⁹ A photograph of the screenshot is attached at the end of this affidavit.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Walking Around Wit Thoughts Of Killing Me [emoji] Buh God Please Forgive Them Not Knowing I Keep Dat Blikk On Me [emoji]"¹⁰.

23. On July 12, 2022, an FBI agent and NNPD officer spoke with Subject 3 at the FBI Albuquerque, New Mexico, Field Office. Subject 3 was told he was not under arrest but was verbally advised of his *Miranda* rights as he was inside FBI space and would need to be escorted out of the building. Subject 3's DNA was obtained pursuant to federal search warrant 22mr1041, issued on July 6, 2022, by United States Magistrate Judge Steven C. Yarbrough, via buccal swab.

24. Subject 3 was asked about the incident that happened in late May, which agents previously spoke to Subject 3 about. Subject 3 initially told a story about Subject 2 messaging Subject 3 on Snapchat and Subject 3 meeting Subject 2 and Subject 4 at the courts and then dropping Subject 2 and Subject 4 off at a cattle guard. Subject 3 was confronted about this story not being the truth. Subject 3 then talked about what happened.

25. Subject 3 stated he met Subject 2 and Subject 4 at their grandmother's house. The three males made a plan to confront John Doe to get Subject 2's belongings back. Subject 2, Subject 3, and Subject 4 walked around the subdivision where John Doe lived and scoped out John Doe's residence. The three males then confronted John Doe. John Doe and a female were inside of John Doe's vehicle. There was another female standing outside of John Doe's residence. Subject 3 did not recognize either of the females. Both females took off when the incident was happening.

26. Subject 2 confronted John Doe about having Subject 2's belongings. Subject 2 and John Doe talked for about five minutes. John Doe tried to avoid talking about Subject 2's belongings. Subject 3 was standing behind Subject 2 at this time. Subject 4 was standing behind a horse corral and holding a golf club.

¹⁰ These words are taken from lyrics from the song "Ruth's Chris Freestyle" by Remble.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

27. Subject 2 opened the back driver's side door of John Doe's vehicle. John Doe got out of the vehicle and grabbed a baseball bat. Subject 3 saw John Doe had this baseball bat and that scared Subject 3. Subject 3 rushed John Doe, grabbed John Doe's wrists to keep his hands down, and threw John Doe to the ground. Subject 2 took the baseball bat. Subject 3 saw Subject 4 swing the golf club and hit John Doe on the legs with the golf club. Subject 3 heard John Doe say, "Stop," or, "Cut it out." Subject 3 took off running back to Subject 2 and Subject 4's grandmother's house because he did not want to be a part of whatever happened.

28. About 15 minutes later, Subject 2 and Subject 4 returned to their grandmother's house carrying the baseball bat and golf club. Subject 3 described Subject 2 and Subject 4 as being in a normal happy mood. Subject 2 and Subject 4 informed Subject 3 that they did not get Subject 2's belongings back but they did jump John Doe. Subject 3 was unaware Subject 2 and Subject 4 put the baseball bat and golf club in the bed of Subject 3's pickup truck until FBI agents and NNPD officers showed up to Subject 3's house the following morning.

29. During the course of the instant investigation, one of the four subjects met with the FBI and provided detailed information as to the murder of John Doe. That subject relayed the following information:

30. On May 27, 2022, Subject 2 told Subject 3, and possibly APACHITO, over social media, possibly Snapchat, that Subject 2 was jumped the day before by John Doe and Witness 1. Subject 2 got jumped and Subject 2's backpack or belongings were taken.

31. The night of the incident, Subject 2 mentioned to Subject 3 and APACHITO that they should go over to John Doe's house, confront John Doe to get Subject 2's bag or belongings back, and jump John Doe. Subject 2, Subject 3, and APACHITO decided to go to John Doe's

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

house. Subject 2 mentioned maybe his brother, Subject 4, would like to be a part of it. Subject 2, Subject 3, and APACHITO went to Subject 2's grandmother's house to pick up Subject 4.

32. The preparations made for going over to John Doe's house consisted of Subject 2 telling them to dress in dark clothes, wearing a jacket to cover most of their heads, and a black face mask to cover most of their face. Subject 2 did not hide himself or his face, but Subject 3, Subject 4, and APACHITO wanted to. APACHITO and Subject 4 wore black surgical gloves. Subject 2 or Subject 4 got a golf club when they were at Subject 2's grandmother's house.

33. Subject 2, Subject 3, Subject 4, and APACHITO walked to John Doe's house. The four males scoped out John Doe's house, went back to Subject 2's grandmother's house, and then went back to John Doe's house. Subject 2 and Subject 3 went to the passenger side of John Doe's vehicle. Subject 2 opened the door. John Doe and a female were inside of the vehicle. Another female was by the house. Subject 2 told APACHITO and Subject 4 to wait.

34. Subject 2 was talking over the female to John Doe for Subject 2's belongings back. John Doe said he did not have it. Subject 2 and John Doe were going back and forth. Subject 3 walked off towards APACHITO and Subject 4. Subject 2 met up with the three of them and was eager to get his belongings back.

35. Subject 2, Subject 3, Subject 4, and APACHITO went back to John Doe's house. APACHITO and Subject 4 stayed back. Subject 2 and Subject 3 went back to John Doe's vehicle. Subject 2 opened the back driver's side door of John Doe's vehicle. John Doe got out of the vehicle with a bat, Subject 3 walked forward, and Subject 2 and John Doe started arguing again. John Doe was holding the bat ready to swing. Subject 3 grabbed John Doe's wrists and threw John Doe down.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

36. John Doe let go of the bat. Subject 2 picked up the bat. Subject 4 and APACHITO came over. John Doe was trying to get up and got halfway up when Subject 3 pushed John Doe back down. Subject 2, Subject 3, Subject 4, and APACHITO were all around John Doe. Subject 2 hit John Doe on the arm with the bat. Subject 4 had the golf club. John Doe was trying to crawl away. Subject 3 kicked John Doe in the stomach area three or four times. Subject 4 hit John Doe in the leg with the golf club. APACHITO kicked or stomped on John Doe's leg. Subject 3 and APACHITO backed off to look around. Subject 2 and Subject 4 switched the bat and the golf club. Subject 3 tried socking John Doe in the face but missed. Subject 3, Subject 4, and APACHITO started walking. Subject 2 swung the golf club to John Doe's head with a loud hit. During the incident, John Doe was saying stop, cut it out, please stop, and I'm sorry.

37. Subject 2 checked John Doe's pockets. Subject 2 and Subject 4 went to John Doe's vehicle. Subject 2 popped the trunk, but there was nothing there. John Doe laid there. The four males left but went back to retrieve Subject 3's cellphone. John Doe was still breathing.

38. The four males left again. Subject 4 departed to go to Subject 2's grandmother's house. Subject 2 was telling Subject 4 not to say anything. Subject 3 walked back to his truck. Subject 2 and APACHITO were talking. Subject 2 was saying he thought he caught a body. APACHITO was kind of agreeing. Subject 3 got into his truck and dropped off Subject 2 and APACHITO at APACHITO'S house. Subject 3 told Subject 2 to take the bat and golf club and get rid of it. Subject 2 said alright.

39. I submitted the baseball bat and golf club to the FBI Laboratory for DNA analysis. Male DNA was obtained from the swabbing of the handle of the baseball bat, which was interpreted as originating from two individuals. There was moderate support for John Doe's DNA

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

inclusion. Subject 2 and Subject 3 were excluded as potential contributors. There was very strong support for inclusion for Subject 4's DNA.

40. On November 29, 2022, United States Magistrate Judge Laura Fashing signed and issued federal search warrant 22mr1767 for the Body of APACHITO, specifically for APACHITO'S DNA and major case prints. However, FBI agents and NNPD officers were unable to locate APCHITO within 14 days, which was on or before December 13, 2022.

41. On May 10, 2023, APACHITO was arrested pursuant to federal arrest warrant 1:22-cr-01579-MLG, issued on April 27, 2023, based upon a Superseding Indictment. APACHITO is currently being housed at CCCC.

CONCLUSION

42. Based on the information contained herein, I believe probable cause exists indicating APACHITO violated 18 U.S.C. §§ 1153, 1111(a), and 2, that being Offenses Committed within Indian Country, 2nd-Degree Murder, and Aiding and Abetting. As such, I am seeking authorization to collect DNA samples and major case prints from APACHITO to be utilized in the examination of the evidence collected in this matter, specifically to compare with any DNA and/or prints that are found on evidence collected in this matter.

43. I will request the laboratory compare any DNA and/or prints found on the aluminum baseball bat and golf club to the DNA and prints of APACHITO. Specifically, to determine if APACHITO is included or excluded as a contributor to the DNA on the baseball bat and possible DNA on the golf club, and, overall, to determine which of the four subjects held the baseball bat and golf club.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

44. Based on the information contained herein, I believe probable cause exists to search APACHITO for the purpose of obtaining DNA samples by buccal swabs and major case prints pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

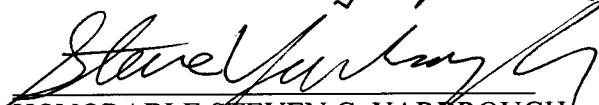
45. This affidavit was reviewed and approved by Assistant United States Attorney Brittany DuChaussee.

Respectfully Submitted,


Molly Schommer
Special Agent
Federal Bureau of Investigation

~~ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN TO BEFORE ME ON~~
~~MAY 12, 2023~~

Sworn in my presence on May 15, 2023


HONORABLE STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

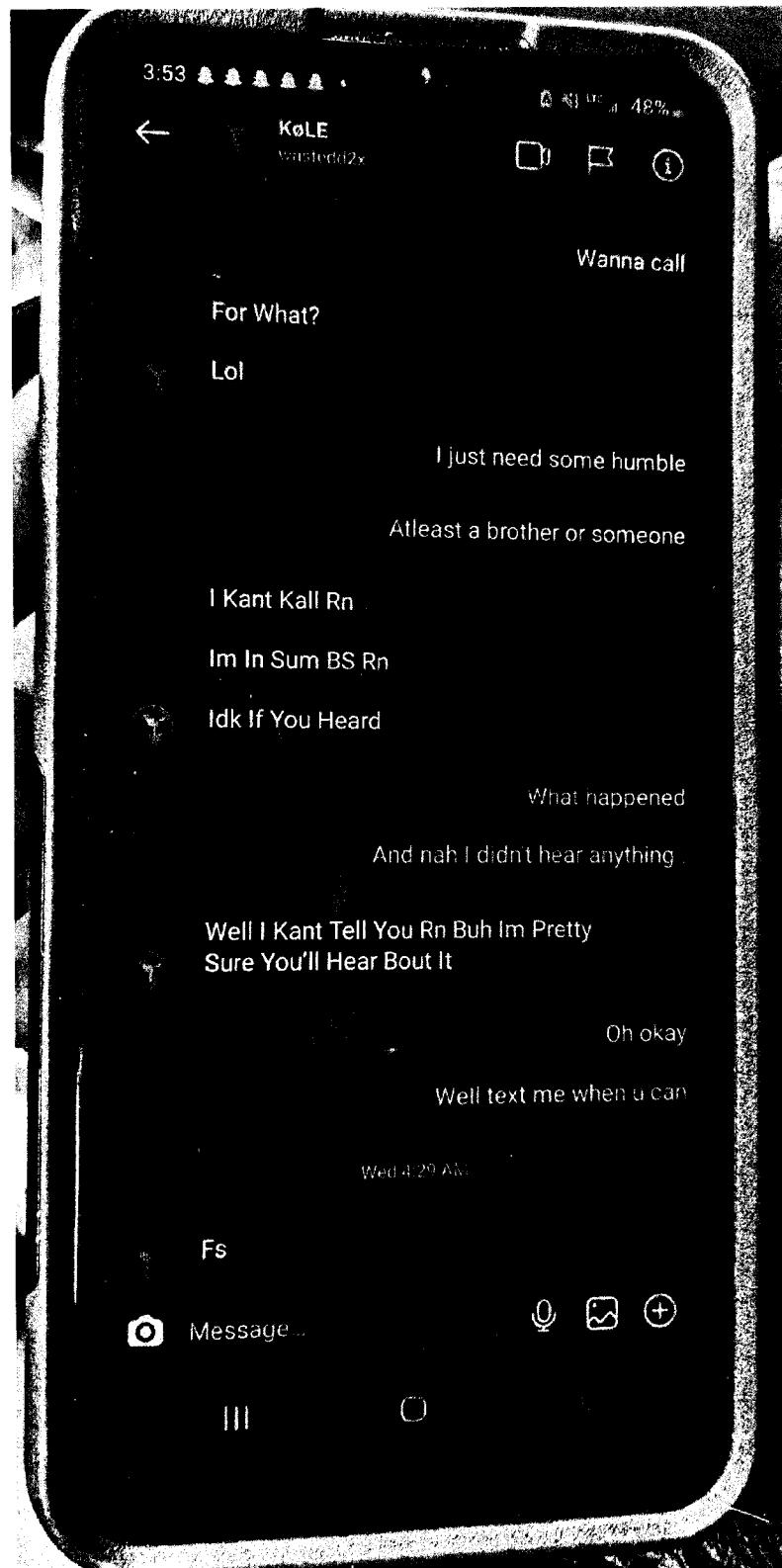
AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

PHOTOGRAPH AND SCREENSHOT ATTACHMENTS



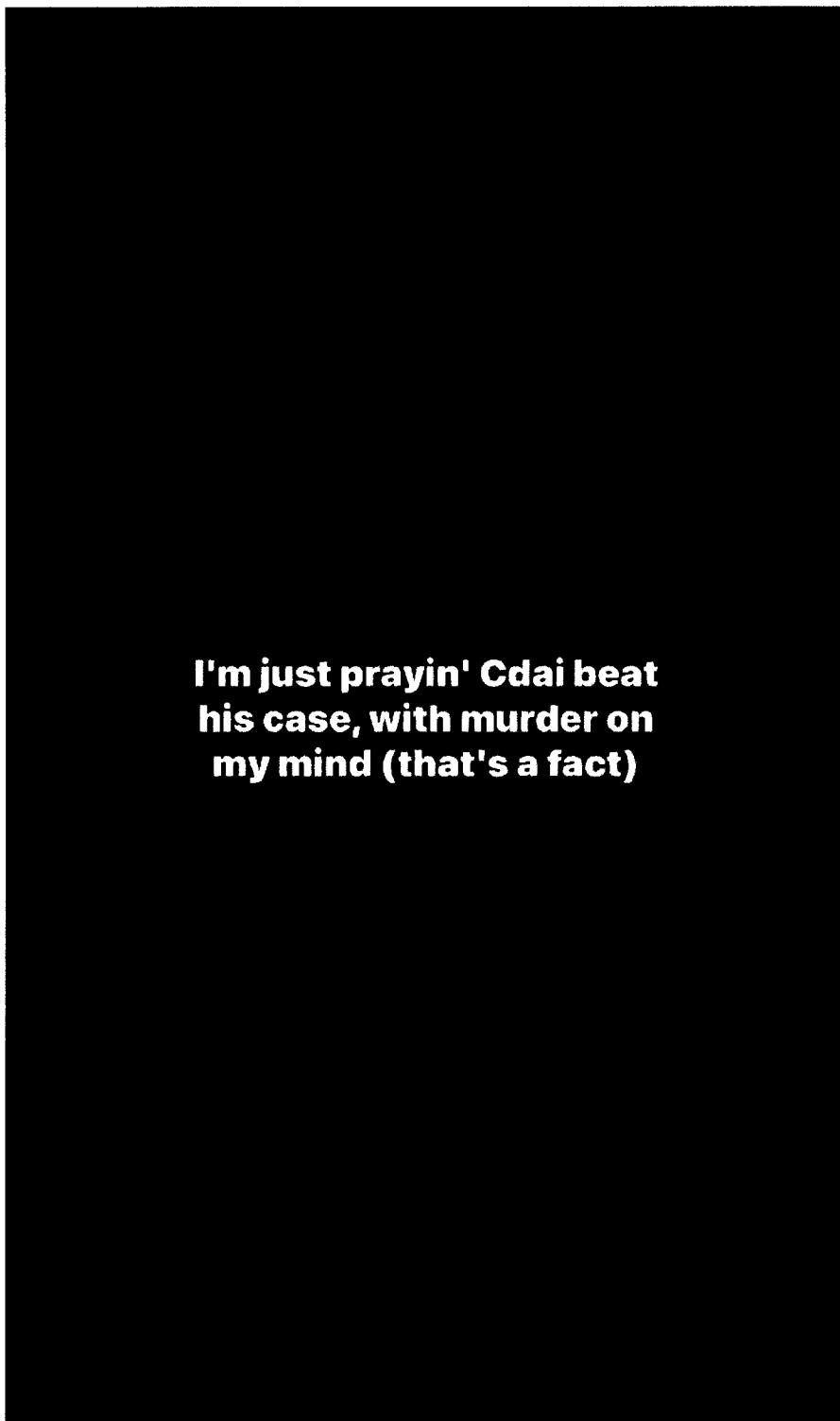
Photograph of Subject 2's recent Instagram post.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



Photograph of Subject 2's Instagram messages with Witness 4.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



Screenshot of Subject 2's story.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



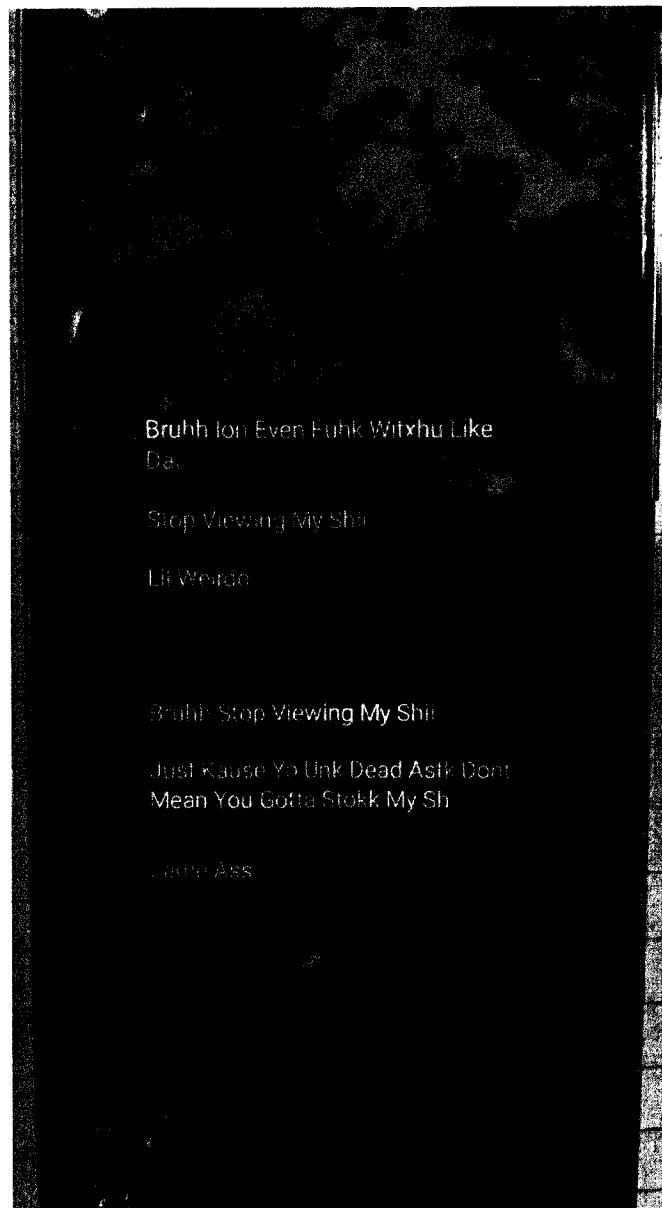
Photograph of Subject 2's Facebook post.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



Screenshot from Subject 2's Instagram story.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

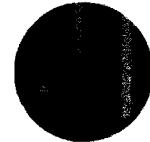


Photograph of text messages from Subject 2 to Witness 6.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

10:41 80%

← **wastedd2x** :

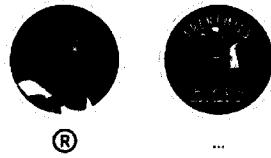


0 Posts 387 Followers 300 Following

KØLE
#KABG #FUckThefeds
FreeDaBROTH'\$
-Jade.G

Follow

Message



Suggested for you

See All



whitneyapachito
Suggested



audie.paez
Arianna



oliv

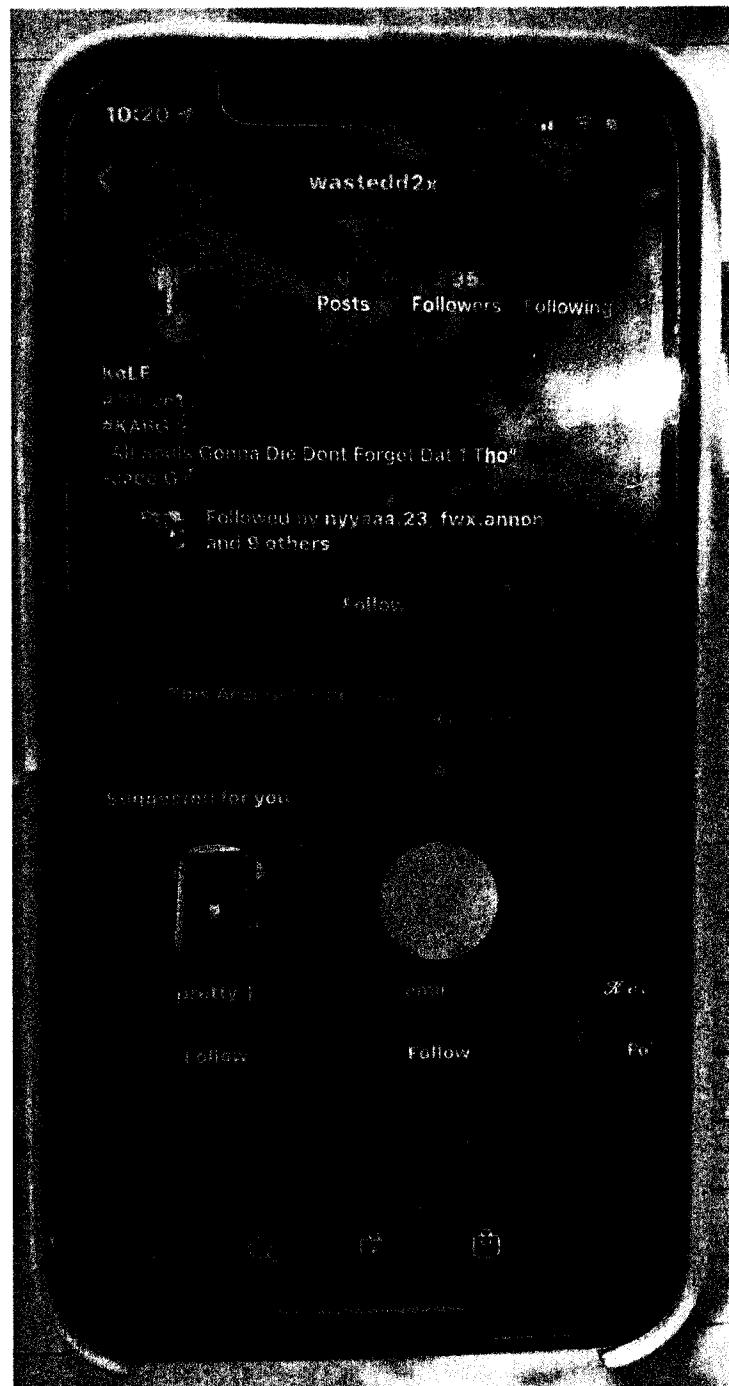
Follow

Follow



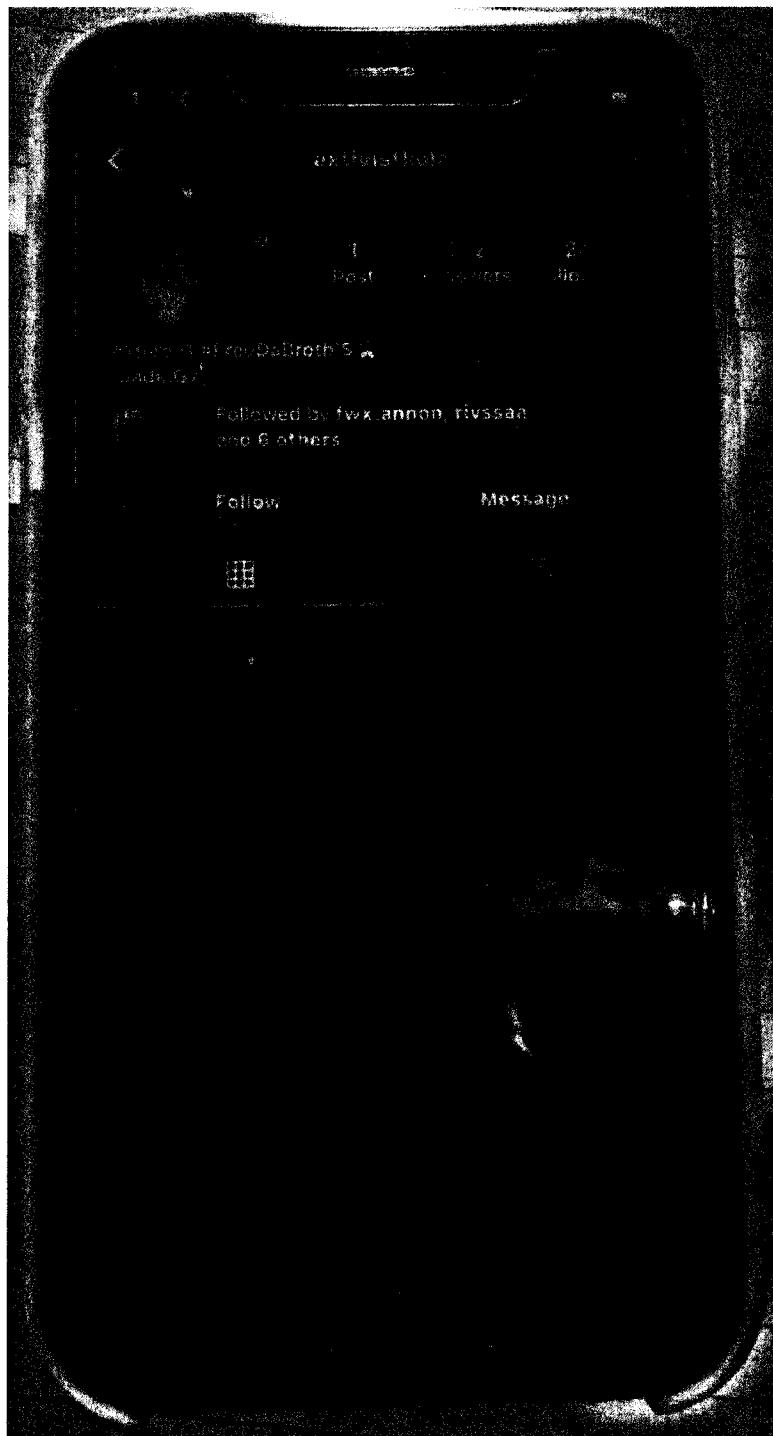
Screenshot of Subject 2's up to date Instagram page from Witness 5.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



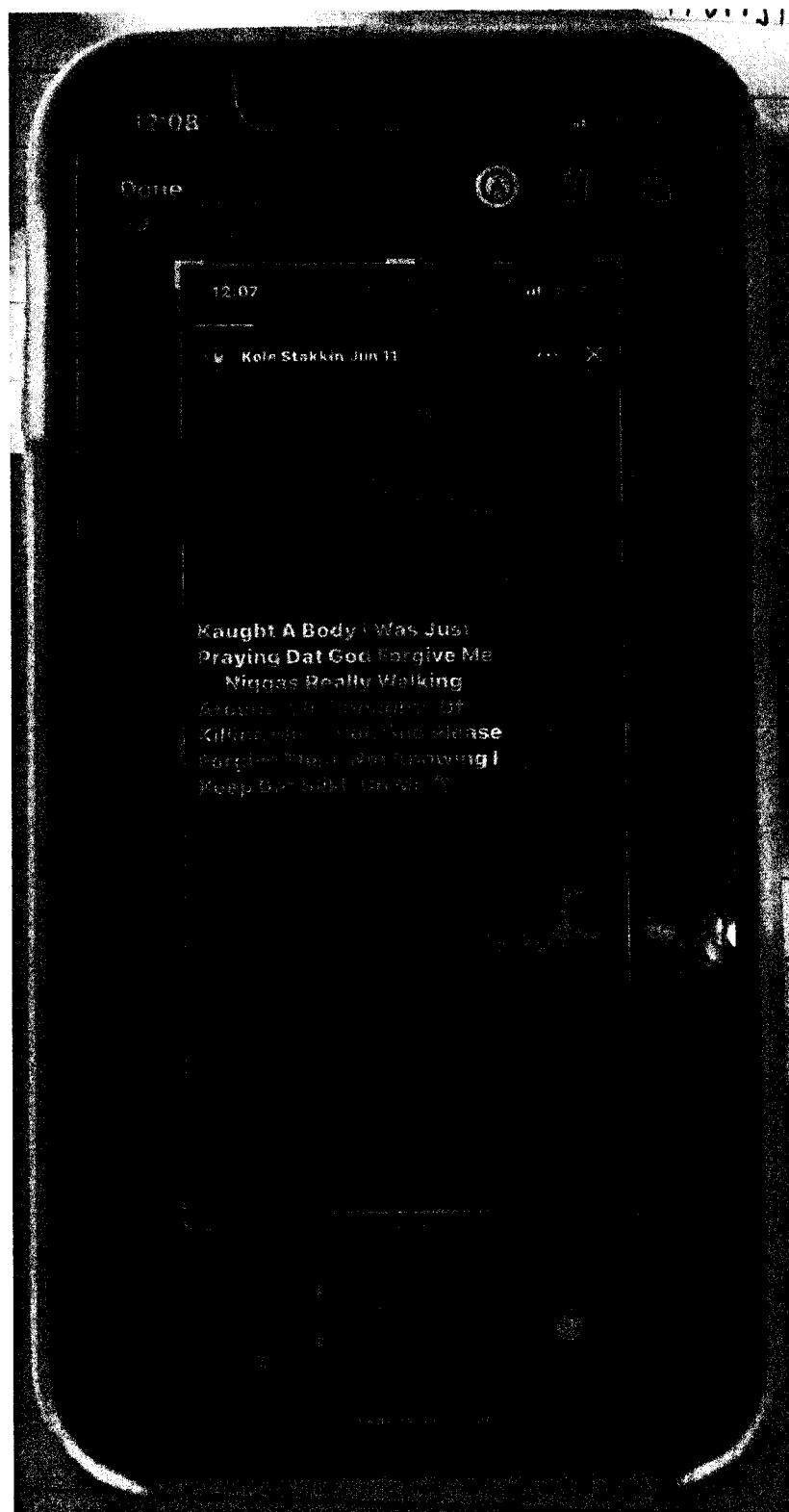
Photograph of Subject 2's Instagram account, "wastedd2x", as of June 23, 2022.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



Photograph of Subject 2's Instagram account, "aktivistkole", as of June 23, 2022.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT



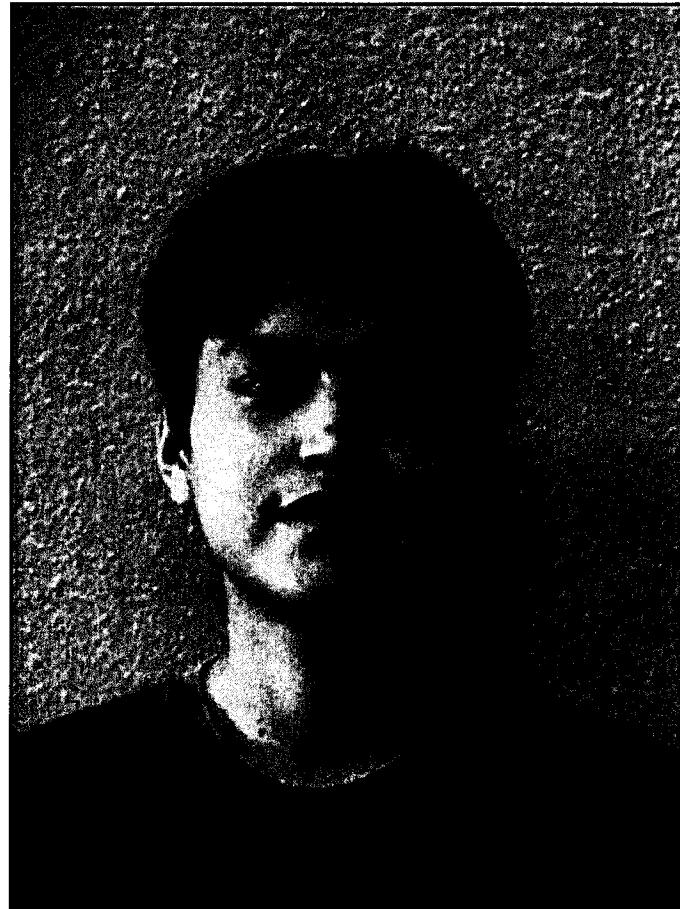
Photograph of Subject 2's Facebook story.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

ATTACHMENT A

Person to Be Searched

The person to be searched is Keon APACHITO, DOB 10/29/2002, whose photograph is shown below:



AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

ATTACHMENT B

Property to Be Seized

1. DNA samples, via buccal (cheek) swabs from Keon APACHITO.
2. Major case prints from Keon APACHITO.